

THE HONORABLE MARSHA PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CARLA SHORT, Individually and as Personal
Representative of the Estate of DONALD J.
SHORT

Plaintiff,

v.

AIR & LIQUID SYSTEMS CORPORATION,
et al.,

Defendants.

Case No. 2:19-cv-01270-MJP

**ORDER GRANTING IN PART
MODIFYING IN PART STIPULATED
MOTION TO EXTEND DEADLINES**

RELIEF REQUESTED

Under LCR 16(b)(6), Defendant Warren Pumps, LLC, together with Plaintiff and all remaining Defendants (collectively the "Parties"), by and through their respective counsel of record, move this Court to enter an Order to continue the January 25, 2021 trial date and all remaining pre-trial deadlines for one month, subject to this Court's availability.

STUIPULATION

The Parties propose to continue the trial date and all remaining pre-trial deadlines one month to allow for further discovery, motion practice and trial preparation. The Parties are in the process of completing fact and expert depositions, with the following depositions currently on calendar:

- September 16, 2020 - Deposition of William Powell Company
- September 17, 2020 -Deposition of Flowserve US, Inc.

- September 18, 2020 – Deposition of Electrolux Home Products, Inc.
- September 22, 2020 - Deposition of Spirax Sarco, Inc.
- September 22, 2020 - Deposition of Margaret McClosky
- September 23, 2020 – Deposition of Warren Pumps
- September 23, 2020 – Deposition of James Delaney
- September 24, 2020 - Deposition of Chris Herfel
- September 25, 2020 - Deposition of Gerald Gjelfe
- September 28, 2020 - Deposition of Donna Ringo
- September 28, 2020 - Deposition of Howard Freeman
- September 29, 2020 - Deposition of Carl Brodtkin

The Parties request this additional time to complete these depositions and other discovery under a less compressed schedule, and prepare dispositive motions.

Under FRCP 16(b)(4), and for good cause, the Court may amend the case scheduling order.¹ “Good cause” in this context is primarily concerned with the diligence of the party seeking the amendment. *Id.* According to Fed. R. Civ. P. 16 advisory committee's notes, the district court may modify the pretrial schedule “if it cannot reasonably be met despite the diligence of the party seeking the extension.”² Good cause is met here as this is a complex civil matter with multiple parties.

Based on the foregoing, the Parties stipulate to the following:

1. Continue the trial date of January 25, 2021 for one month;
2. Continue the following pre-trial deadlines:

Deadline	Current Date	Stipulated Date (subject to court availability)
15 DAYS Jury TRIAL set for 09:00 AM on	01/25/2021	05/03/2021
All motions related to discovery must be FILED by	9/8/2020	10/8/2020

¹ *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992).

² Fed. R. Civ. P. 16 advisory committee's notes (1983 amendment); *Harrison Beverage Co. v. Dribeck Importers, Inc.*, 133 F.R.D. 463, 469 (D.N.J. 1990); *Amcast Indus. Corp. v. Detrex Corp.*, 132 F.R.D. 213, 217 (N.D.Ind. 1990); Forstmann, 114 F.R.D. at 85; 6A Wright, Miller & Kane, Federal Practice and Procedure § 1522.1 at 231 (2d ed. 1990) (“good cause” means scheduling deadlines cannot be met despite party’s diligence).

1	Discovery COMPLETED by	9/29/2020	10/29/2020
2	All dispositive motions must be FILED by	10/28/2020	11/30/2020
3	Settlement conference per LCR 39.1(c)(2) HELD no later than	11/19/2020	12/21/2020
4	No settlement conference is required		
5	Mediation per LCR 39.1(c)(3) HELD no later than Under Local		
6	Civil Rule 39.1(c) the Court ORDERS that the parties engage in		
7	mediation. The parties may seek relief from this requirement by	12/23/2020	1/25/2021
8	motion and upon a showing of good cause		
9	No mediation conference is required		
10	Letter of compliance as to LCR 39.1 FILED by A roster of Local	1/6/2021	2/8/2021
11	Civil Rule 39.1 mediators can be located on the Internet at		
12	www.wawd.uscourts.gov. If you do not have access to the		
13	Internet, please contact the Clerk's Office at 253-882-3824		
14	Motions in limine must be FILED by and noted on the motion	12/22/2020	3/29/2021
15	calendar no later than the Friday before the Pretrial Conference.		
16	(See LCR 7(d)(4))		
17	Agreed Pretrial Order	1/11/2021	4/20/2021
18	Pretrial conference will be HELD at 01:30 PM on	1/18/2021	4/22/2021
19	(Jury Trial) Proposed Voir Dire, Jury Instructions and Trial Briefs	1/12/2021	4/20/2021
20	or (Bench Trial) Trial Briefs and Proposed Findings of Fact and		
21	Conclusions of Law shall be filed by		

RESPECTFULLY SUBMITTED this 9th day of September, 2020.

BERGMAN DRAPER OSLUND UDO PLLC GORDON REES SCULLY MANSUKHANI

s/Ruby Aliment

Ruby Aliment
Glen Bergman
821 2nd Avenue, Suite 2100
Seattle, WA 98104
ruby@bergmanlegal.com
Attorneys for Plaintiff

s/Kevin Craig

Mark Tuvim
Kevin Craig
701 5th Avenue, Suite 2100
Seattle, WA 98104
mtuvim@grsm.com;
kcraig@grsm.com;
asbestos@gordonrees.com
Attorneys for Velan Valve Corp.

RIZZO MATTINGLY BOSWORTH, PC

s/Allen Eraut
 Allen E. Eraut, WSBA #30940
 1300 SW 6th Avenue, Suite 330
 Portland, OR 97201
asbestos@rizzopc.com
aeraut@rizzopc.com
Attorneys for Defendant Warren Pumps, LLC

TANENBAUM KEALE, LLP

s/Christopher Marks
 Christopher Marks
 Malika Johnson
 Alice Serko
 Two Union Square
 601 University Street, Suite 4253
 Seattle, WA 98101
cmarks@tktrial.com;
mjohnson@tktrial.com;
aserko@tktrial.com;
Seattle.asbestos@tktrial.com
Attorneys for Spirax Sarco Inc; Electrolux Home Products, Inc.

LEWIS BRISBOIS BISGAARD & SMITH LLP

s/Rachel Reynolds
 Randy Aliment
 Rachel Tallon Reynolds
 Taryn Basauri
 1111 3rd Ave Ste 2700
 Seattle, WA 98101-3224
randy.aliment@lewisbrisbois.com;
rachel.reynolds@lewisbrisbois.com;
taryn.basauri@lewisbrisbois.com;
seattle-asbestos@lewisbrisbois.com
Attorneys for Flowserve Corporation

FOLEY & MANSFIELD

s/James Hicks
 James D. Hicks
 Brian Smith
 999 Third Avenue, Suite 3760
 Seattle, WA 98104
bsmith@foleymansfield.com
jhicks@foleymansfield.com
asbestos-sea@foleymansfield.com
Attorneys for William Powell Co.

K&L GATES

s/G. William Shaw
 G. William Shaw
 Ryan J. Groshong
 K & L Gates
 925 4th Avenue, Ste. 2900
 Seattle, WA 98104
bill.shaw@klgates.com;
ryan.groshong@klgates.com;
asbestos@klgates.com
Attorneys for Crane Co

MILLER NASH GRAHAM & DUNN LLP

s/Michael Fandel
 Michael K. Fandel
 Briana Jones
 Kellen Hade
 2801 Alaskan Way, Suite 300
 Seattle, WA 98121
Michael.Fandel@millernash.com;
Kellen.Hade@millernash.com;
Briana.Jones@millernash.com;
asbestosnotices@millernash.com
Attorneys for FL Smidth Dorr-Oliver, Inc

1
2
3 WILSON SMITH COCHRAN &
DICKERSON

4 s/Richard Gawlowski _____
5 Richard G Gawlowski
901 Fifth Ave., Suite 1700
6 Seattle, WA 98164
gawlowski@wscd.com
7 MetLifeAsbestos@wscd.com
8 *Attorneys for Metropolitan Life Insurance*
Company

ORDER

Based on the foregoing Stipulation, the trial date is continued to May 3, 2021,
and related deadlines are set as follows:

DATED this 28 day of September, 2020.



HON. MARSHA J. PECHMAN
UNITED STATES DISTRICT JUDGE

Presented by:

RIZZO MATTINGLY BOSWORTH, PC

s/Allen Eraut

ALLEN E. ERAUT, WSBA #30940
Counsel for Defendant Warren Pumps, LLC
1300 SW 6th Avenue, Suite 330
Portland, OR 97201
Phone : (503) 229-1819
Fax : (503) 229-0630
aeraut@rizzopc.com

Approved as to form and content:

BERGMAN DRAPER OSLUND UDO PLLC GORDON REES SCULLY MANSUKHANI

s/Ruby Aliment

Ruby Aliment
Glen Bergman
821 2nd Avenue, Suite 2100
Seattle, WA 98104
ruby@bergmanlegal.com
Attorneys for Plaintiff

s/Kevin Craig

Mark Tuvim
Kevin Craig
701 5th Avenue, Suite 2100
Seattle, WA 98104
mtuvim@grsm.com;
kcraig@grsm.com;
asbestos@gordonrees.com

Attorneys for Velan Valve Corp.

RIZZO MATTINGLY BOSWORTH, PC

s/Allen Eraut

Allen E. Eraut, WSBA #30940
1300 SW 6th Avenue, Suite 330
Portland, OR 97201
asbestos@rizzopc.com
aeraut@rizzopc.com
**Attorneys for Defendant Warren Pumps,
LLC**

TANENBAUM KEALE, LLP

s/Christopher Marks

Christopher Marks
Malika Johnson
Alice Serko
Two Union Square
601 University Street, Suite 4253
Seattle, WA 98101
cmarks@tktrial.com;
mjohnson@tktrial.com;
aserko@tktrial.com;
Seattle.asbestos@tktrial.com
**Attorneys for Spirax Sarco Inc; Electrolux
Home Products, Inc.**

LEWIS BRISBOIS BISGAARD & SMITH
LLP

s/Rachel Reynolds

Randy Aliment
Rachel Tallon Reynolds
Taryn Basauri
1111 3rd Ave Ste 2700
Seattle, WA 98101-3224
randy.aliment@lewisbrisbois.com;
rachel.reynolds@lewisbrisbois.com;
taryn.basauri@lewisbrisbois.com;
seattle-asbestos@lewisbrisbois.com
Attorneys for Flowserve Corporation

FOLEY & MANSFIELD

s/James Hicks

James D. Hicks
Brian Smith
999 Third Avenue, Suite 3760
Seattle, WA 98104
bsmith@foleymansfield.com
jhicks@foleymansfield.com
asbestos-sea@foleymansfield.com
Attorneys for William Powell Co.

K&L GATES

s/G. William Shaw

G. William Shaw
Ryan J. Groshong
K & L Gates
925 4th Avenue, Ste. 2900
Seattle, WA 98104
bill.shaw@klgates.com;
ryan.groshong@klgates.com;
asbestos@klgates.com

MILLER NASH GRAHAM & DUNN LLP

s/Michael Fandel

Michael K. Fandel
Briana Jones
Kellen Hade
2801 Alaskan Way, Suite 300
Seattle, WA 98121
Michael.Fandel@millernash.com;
Kellen.Hade@millernash.com;

Attorneys for Crane Co

Briana.Jones@millernash.com;
asbestosnotices@millernash.com
Attorneys for FL Smidth Dorr-Oliver, Inc

WILSON SMITH COCHRAN &
DICKERSON

s/Richard Gawlowski
Richard G Gawlowski
901 Fifth Ave., Suite 1700
Seattle, WA 98164
gawlowski@wscd.com
MetLifeAsbestos@wscd.com
*Attorneys for Metropolitan Life Insurance
Company*